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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, MARIELA
GONZÁLEZ, FREDDY JOSE ARAPE RIVAS,
M.H., CECILIA DANIELA GONZÁLEZ
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HERNÁNDEZ, E.R., HENDRINA VIVAS
CASTILLO, A.C.A., SHERIKA BLANC, VILES
DORSAINVIL, and G.S.,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-01766-EMC

**STIPULATION REGARDING LATE-
PRODUCED DOCUMENTS AND
~~PROPOSED~~ ORDER**

Assigned to: Hon. Edward M. Chen

Complaint filed: February 19, 2025

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Pursuant to Civ. L.R. 7-12, the parties, by and through their respective counsel, submit this stipulation regarding Plaintiffs' use of late-produced documents in connection with their forthcoming Opposition to Defendants' Motion for Summary Judgment and Reply in further support of Plaintiffs' Motion for Partial Summary Judgment (Dkt. 165).

WHEREAS, on April 30, 2025, pursuant to the Parties' stipulation, this Court set the following briefing schedule for the Parties' Cross-Motions for Summary Judgment:

- Plaintiffs shall file their Motion for Summary Judgment on or before May 26, 2025.
- Defendants shall file an Opposition to Plaintiffs' Motion for Summary Judgment and their Motion for Summary Judgment on or before June 10, 2025.
- Plaintiffs shall file their Reply in further support of their Motion for Summary Judgment and their Opposition to Defendants' Motion for Summary Judgment on or before June 20, 2025.
- Defendants shall file their Reply to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment on or before June 27, 2025.
- The Court shall hear argument on the Parties' Cross-Motions for Summary Judgment on July 11, 2025. Dkt. 124.

WHEREAS, on May 9, 2025, this Court granted the Parties' stipulated request that Plaintiffs file their Motion for Summary Judgment on or before May 27, 2025, in light of the Memorial Day holiday on May 26, 2025. The briefing schedule for the Parties' Cross-Motions for Summary Judgment otherwise remained the same. Dkt. 134.

WHEREAS, on May 19, 2025, pursuant to Court Order, (*see* Dkts. 135, 143), Defendants produced 77 documents responsive to Plaintiffs' first, second and sixth requests for production.

WHEREAS, on May 22, 2025, Defendants' counsel emailed Plaintiffs' counsel to notify Plaintiffs that 159 documents from USCIS custodians that were potentially responsive to Plaintiffs' requests for production were inadvertently not batched out for review. Defendants' counsel stated that they intended to have the documents reviewed, and responsive, non-privileged documents produced, by May 27, 2025, and offered to adjust the briefing schedule on the Parties' cross-motions for summary judgment to accommodate this belated production.

1 **WHEREAS**, on May 23, 2025, the parties therefore stipulated to, and, on May 27, 2025, the
 2 Court ordered, the following briefing schedule (Dkts. 149, 152):

- 3 • Plaintiffs shall file their Motion for Summary Judgment on or before June 3, 2025.
- 4 • Defendants shall file their Opposition and Cross-Motion for Summary Judgment on or before
 5 June 17, 2025.
- 6 • Plaintiffs shall file their Reply in further support of their Motion for Summary Judgment and
 7 their Opposition to Defendants' Motion for Summary Judgment on or before June 27, 2025.
- 8 • Defendants will waive their Reply in further support of their Motion for Summary Judgment.
- 9 • The Court will hear argument on the Parties' Cross-Motions for Summary Judgment on July
 10 11, 2025.

11 **WHEREAS**, on May 27, 2025, Defendants filed a declaration explaining that (1) non-
 12 governmental sources, such as personal phones, were not searched for responsive documents and (2)
 13 "systematic issues" with their search tool had led to additional potentially responsive documents
 14 from governmental sources not being reviewed. Dkt. 153-1.

15 **WHEREAS**, on May 30, 2025, the Court ordered Defendants to (1) ask the custodians at issue
 16 whether they used non-governmental means to communicate regarding the TPS decisions, and, if so,
 17 to meet and confer with Plaintiffs regarding an appropriate search of these non-governmental
 18 sources; and (2) to complete production from all outstanding searches by June 6, 2025. Dkt. 161.

19 **WHEREAS**, the Parties agreed that, rather than seeking to delay the schedule further to
 20 accommodate this production after the deadline for Plaintiffs' Motion for Summary Judgment, that
 21 Plaintiffs could instead introduce and rely on any documents produced by Defendants after June 3,
 22 2025 in connection with their Opposition to Defendants' Motion for Summary Judgment and Reply
 23 in further support of Plaintiffs' Motion for Partial Summary Judgment; and

24 **WHEREAS**, on June 3, 2025, Plaintiffs filed their Motion for Partial Summary Judgment. Dkt.
 25 165.

26 **IT IS THEREFORE STIPULATED AND AGREED**, by the Parties and subject to the
 27 approval of the Court:
 28

- Plaintiffs may introduce and rely on any documents produced by Defendants after June 3, 2025 in connection with their Opposition to Defendants' Motion for Summary Judgment and Reply in further support of Plaintiffs' Motion for Partial Summary Judgment.

IT IS SO STIPULATED.

Date: June 5, 2025

Respectfully submitted,

ACLU FOUNDATION
OF NORTHERN CALIFORNIA

/s/ Emilou MacLean

Emilou MacLean
Attorneys for Plaintiffs

Date: June 5, 2025

U.S. DEPARTMENT OF JUSTICE

/s/ Sara L. Vuong

Sarah L. Vuong
Attorneys for Defendants

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that each of the other Signatories have concurred in the filing of this document.

ACLU FOUNDATION
OF NORTHERN CALIFORNIA

/s/ Emilou MacLean

Emilou MacLean

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 5, 2025


The Honorable Edward M. Chen
United States District Judge